

**NEVADA DEPARTMENT OF
CONSERVATION & NATURAL RESOURCES
STATE ENVIRONMENTAL COMMISSION
HEARING ARCHIVES FOR
REGULATORY PETITIONS**

COMMISSION PETITION NO. 2001-07

LEGISLATIVE COUNSEL BUREAU (LCB) FILE NO. R-042-01

DOCUMENTS INCLUDED IN THIS FILE:

YES SECRETARY OF STATE FILING FORM

**YES DISCLOSURE STATEMENT PURSUANT TO NRS 233B
REGULATORY PETITIONS**

ORIGINAL DRAFTED BY COMMISSION

ADOPTED BY COMMISSION

YES AS FILED AND CODIFIED BY LCB

Secretary of State
Filing Data

**For Filing Administrative
Regulations**

For Emergency
Regulations Only

Effective Date

Expiration Date

Governor's Signature

State Environmental Commission

Classification ☐ Proposed ☐ Adopted By Agency ☒ Temporary ☐ Emergency ☐

Brief description of action: Petition 2001-07 (LCB R-042-01) permanently amends NAC 445A.810 to 445A.925, the underground injection control (UIC) program. The amended regulations provide that “other Sensitive Groundwater Areas” can be determined to meet compliance with the proposed regulations. The regulations revise outdated Nevada Revised Statute references, expand minor permit modification criteria and logistics, expand criteria for a temporary permit, outline methods to establish permit limits in the absence of specific standards, and repeal the prohibition of injection of treated effluent. New definitions for cesspool, Class V Rule, delineation, drywell, groundwater protection area, improved sinkhole, other sensitive groundwater area, motor vehicle waste disposal well, point of injection, sanitary waste, septic system, source water assessment and protection program, and subsurface fluid distribution system are defined. Restrictions are imposed on Motor Vehicle Waste Disposal wells. Fees for renewals in NAC 445A.872 are reduced, repealed and incorporated into the existing annual fee. This fee category is expanded to included major modifications.

Authority citation other than 233B: NRS 445A.425 and 445A.430

Notice date: April 10, April 19 and April 25, 2001 (Temporary); August 20, August 29, and September 6, 2001 (Permanent)

Hearing date: May 10, 2001 (Temporary); September 18, 2001 (Permanent)

Date of Adoption of Agency: May 10, 2001 (Temporary); September 18, 2001 (Permanent)

**LEGISLATIVE REVIEW OF ADOPTED REGULATIONS AS REQUIRED
BY ADMINISTRATIVE PROCEDURES ACT, NRS 233B.066
PETITION 2001-07 LCB File R-042-01
STATE ENVIRONMENTAL COMMISSION**

The following statement is submitted for adopted amendments to Nevada Administrative Code (NAC) 445A. This regulation deals with amendments to the water pollution underground injection control program.

1. A description of how public comment was solicited, a summary of public response, and an explanation how other interested persons may obtain a copy of the summary.

Petition 2001-07 (LCB File R-042-01), was noticed three (3) on April 10, April 19 and April 25, 2001, as a temporary regulation and August 20, August 29 and September 6, 2001 as a permanent regulation in the Las Vegas Review Journal and the Reno-Gazette-Journal newspapers. Regulatory workshops were conducted by the Nevada Division of Environmental Protection's Bureau of Water Pollution Control on September 21, 2000 in Carson City, October 3, 2000 in Elko and October 5, 2000 in Las Vegas. The temporary regulation was adopted by the State Environmental Commission on May 10, 2001 and as a permanent regulation on September 18, 2001. No oral or written comments opposing or supporting the regulation were received by the Commission during temporary and permanent adoption. The public was also mailed the notice of intent and agenda through the Environmental Commission's mailing list. A copy of the written comments may be obtained by calling the Nevada State Environmental Commission (775) 687-4670 extension 3118, or writing to the Commission at 333 W. Nye Ln., Room 138, Carson City, Nevada 89706-0851.

2. The number persons who:

(a)	Attended each hearing;	35
(b)	Testified at each hearing:	0
(c)	Submitted to the agency written comments:	0

3. A description of how comment was solicited from affected businesses, a summary of their response, and a explanation how other interested persons may obtain a copy of the summary.

Comments were solicited from affected businesses by the notices in the newspapers, as outlined in #1 and by direct mail to interested persons subscribing to the Commission's mailing list. See above statement for dates of the public notices and public workshops. No oral or written testimony was received that opposed or supported the regulation during temporary and permanent adoption. A copy of the written comments may be obtained by calling the Nevada State Environmental Commission (775) 687-4670 or writing to the Commission at 333 W. Nye Ln., Room 138, Carson City, Nevada 89706-0851.

4. If the regulation was adopted without changing any part of the proposed regulation, a summary of the reasons for adopting the regulation without change.

The regulation was adopted by the State Environmental Commission on September 18, 2001 with out request for amendment.

5. The estimated economic effect of the adopted regulation on the business which it is to regulate and on the public. These must be stated separately, and each case must include:

(a) Estimated economic effect of the regulation on the business which it is to regulate;

The proposed permanent regulation is not anticipated to have any significant adverse short or long-term economic impact on Nevada businesses. Businesses with motor vehicle waste disposal wells may see an increase in operation and maintenance costs associated with sampling and monitoring of wells.

(b) Estimated economic effect on the public;

The adoption of this regulation is not anticipated to have a direct short or long term adverse economic impact upon the public.

6. The estimated cost to the agency for enforcement of the adopted regulation.

The Division of Environmental Protection is developing a mechanism using \$ 820,000 of funding from the Drinking Water State Revolving Fund over a five-year period to implement the new regulations associated with the federal Class V well rule. There is no additional direct cost to the agency for enforcement. Implementation of this regulation is done in cooperation with the U.S. Geological Survey

7. A description of any regulations of other state or government agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary. If the regulation overlaps or duplicates a federal regulation, the name of the regulating federal agency.

The regulations do not overlap or duplicate any regulations of another state or local governmental agency.

8. If the regulation includes provisions which are more stringent than a federal regulation which regulates the same activity, a summary of such provisions.

The proposed regulations are amended to reflect federal UIC regulations for Class V Rule, as publish on December 7, 1999 to impose additional restrictions on injection wells. The regulations are no more stringent than federal regulations.

9. If the regulation provides a new fee or increases an existing fee, the total annual amount the agency expects to collect and the manner in which the money will be used.

This regulation reduces the renewal fee and incorporates major modifications into the annual and revised renewal fee structure.

#

**FILED PERMANENT REGULATION OF THE
NEVADA STATE ENVIRONMENTAL COMMISSION**

LCB File No. R042-01

Effective October 25, 2001

EXPLANATION – Matter in *italics* is new; matter in brackets ~~[omitted material]~~ is material to be omitted.

AUTHORITY: §§1-35 and 37-41, NRS 445A.425; §36, NRS 445A.425 and 445A.430.

Section 1. Chapter 445A of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to 25, inclusive, of this regulation.

Sec. 2. *“Cesspool” means a drywell which receives untreated sanitary waste containing human excreta and which may have an open bottom or perforated sides, or both.*

Sec. 3. *“Community water system” has the meaning ascribed to it in 40 C.F.R. § 144.86(d), as that section existed on July 1, 2001.*

Sec. 4. *“Delineate” means the first step in the assessment process pursuant to which the boundaries of a ground water protection area are identified as a part of the source water assessment and protection program of this state.*

Sec. 5. *“Division” means the division of environmental protection of the department.*

Sec. 6. *“Drywell” means a well, other than an improved sinkhole or a subsurface fluid distribution system, that is completed above the water table so that the bottom and sides of the well are typically dry except when receiving fluids.*

Sec. 7. *“Ground water protection area” means a geographic area that is:*

- 1. Near to or surrounding public water wells, including, without limitation, community water systems and nontransient noncommunity water systems that use ground water as a source of drinking water; and*
- 2. Delineated as a ground water protection area pursuant to the source water assessment and protection program of this state.*

Sec. 8. *“Improved sinkhole” means a naturally occurring karst depression or other natural crevice found in volcanic terrain and other geologic settings that has been modified by man to direct or emplace fluid into the subsurface.*

Sec. 9. *“Injection” means the subsurface emplacement of fluids through a well.*

Sec. 10. *“Motor vehicle waste disposal well” means a well that receives or has received fluids from the repair and maintenance of vehicles, including, without limitation, fluids from an auto body repair shop, an automotive repair shop, a new or used car dealership, a specialty repair shop or any other facility that repairs or maintains vehicles.*

Sec. 11. *“Nontransient noncommunity water system” has the meaning ascribed to it in 40 C.F.R. § 144.86(e), as that section existed on July 1, 2000.*

Sec. 12. *“Other sensitive ground water area” or “sensitive ground water area” means an area which has been identified as critical to protecting underground sources of drinking water from contamination, but which has not been delineated as a ground water protection area.*

Sec. 13. *“Sanitary waste” means liquid or solid wastes originating solely from humans and human activities, including, without limitation, wastes collected from toilets, showers, wash basins, sinks used for cleaning domestic areas, sinks used for food preparation, operations for washing clothing, and sinks or machines used for washing dishes, glasses and utensils used to serve food or beverages. The sources of such waste include, without limitation:*

- 1. Single or multiple residences, hotels and motels, restaurants, bunkhouses, schools, ranger stations, crew quarters, guard stations, campgrounds, picnic grounds and day-use recreation areas; and*
- 2. Commercial and industrial facilities, so long as the waste is not mixed with industrial waste.*

Sec. 14. *“Septic system” means a well that is used to emplace sanitary waste below the surface and is typically composed of a septic tank and a subsurface fluid distribution system or disposal system.*

Sec. 15. *“Source water assessment and protection program” means a program designed by the bureau of health protection services of the health division of the department of human resources to protect drinking water sources which is developed in accordance with 42 U.S.C. § 300j-13, as that section existed on July 1, 2000, and pursuant to which ground water protection areas are delineated by conducting local assessments for each public water system, including, without limitation:*

- 1. Delineating the boundaries of the areas providing source waters for public water systems;*
- 2. Identifying significant potential sources of contaminants in such areas;*
- 3. Determining the susceptibility of public water systems in delineated areas to those sources of contaminants; and*
- 4. Making information concerning the assessment process available to the public.*

Sec. 16. *“Subsurface fluid distribution system” means an assemblage of perforated pipes, drain tiles or other similar mechanisms intended to distribute fluids below the surface of the ground.*

Sec. 17. *The division shall ensure that information concerning the locations of ground water protection areas and other sensitive ground water areas is made available to the public in accordance with 40 C.F.R. § 144.87(d).*

Sec. 18. 1. *The owner of an existing motor vehicle waste disposal well that was in operation or under construction on or before April 5, 2000, shall close the well, obtain a permit to operate the well or convert the well in accordance with sections 19 to 22, inclusive, of this regulation.*

2. Not later than 90 days after the effective date of this regulation, the owner of the well shall submit to the director information concerning the location and operating status of the well, and such additional information concerning the well as requested by the director.

3. Based on the information provided by the owner of the well, the director shall determine whether the well is located within a ground water protection area and notify the owner of that determination.

4. If the director determines that the well is not located within a ground water protection area, the director shall make a preliminary determination, based on data provided by the division, whether the well is located within an other sensitive ground water area and notify the owner of that determination. If the director makes a preliminary determination that a well is location within an other sensitive ground water area, the owner of the well shall close the well, obtain a permit to operate the well or convert the well in accordance with sections 19 to 22, inclusive, of this regulation.

5. If, by January 1, 2004, or, if an extension has been approved by the Environmental Protection Agency, by January 1, 2005, the local source water assessment has not been completed and the plan for the determination of other sensitive ground water areas has not be carried out for the area in which the motor vehicle waste disposal well is located, the motor vehicle waste disposal well shall be deemed to be located within an other sensitive ground water area and must be permitted, closed or converted accordingly.

6. If the director determines that the well is not located within a ground water protection area or other sensitive ground water area, and if the well is not deemed to be located within an other sensitive ground water area pursuant to subsection 5, the owner shall close the well, obtain a permit to operate the well or convert the well in accordance with its classification pursuant to NAC 445A.810 to 445A.925, inclusive, and sections 2 to 25, inclusive, of this regulation.

Sec. 19. 1. *Except as otherwise provided in this section, the owner of an existing motor vehicle waste disposal well that is located within:*

(a) A ground water protection area shall, not later than 1 year after the date on which the local source water assessment for the area is completed or January 1, 2005, whichever occurs first, close the well, apply for a permit to operate the well or convert the well.

(b) An other sensitive ground water area shall, not later than January 7, 2007, close the well, apply for a permit to operate the well or convert the well.

2. The deadlines set forth in subsection 1 may be extended for not more than 1 year if the Environmental Protection Agency approves an extension for this state pursuant to 40 C.F.R. §§ 144.87(b) and 144.87(c).

3. The director may extend the deadline for the closure of a motor vehicle waste disposal well for not more than 1 year if he determines that the most efficient option for compliance with applicable state and federal requirements concerning such wells is connection to a sanitary sewer or installation of new treatment technology. The director may not extend the deadline for obtaining a permit.

4. The director may authorize the conversion of a motor vehicle waste disposal well to another Class V type of well, including, without limitation, a storm water well, if the conversion is done in accordance with 40 C.F.R. § 144.89(b). The director shall, in conjunction with the owner of the well to be converted, establish a specific schedule pursuant to which the well must be converted.

Sec. 20. 1. *If the owner of a motor vehicle waste disposal well determined to be located within a ground water protection area or other sensitive ground water area wishes to obtain a permit to continue operating the well, the owner must request an application for a permit from the division. The owner must submit a completed application to the director not later than 90 days after the date on which the owner receives the application form from the division.*

2. Not later than 30 days after the date on which the director receives the application, the director shall review the application to determine whether it is complete. The director may request additional information from an applicant if the director determines that the application is not complete. When an application is determined to be complete, the division shall make a final determination as to whether the well is located in an other sensitive ground water area.

3. To obtain and maintain a permit to operate a motor vehicle waste disposal well located within a ground water protection area or other sensitive ground water area, the owner of the well must:

(a) Demonstrate that, at the point of injection of the well, the drinking water standards of this state are met as of the date on which the application is submitted, and will continue to be met thereafter;

(b) Submit with the application a plan that establishes the best practices for the management of the well, and agree to put into place and carry out the plan as described in the permit; and

(c) Agree to monitor injectate and sludge quality for the well.

4. As used in this section, "point of injection" means the last accessible sampling point before waste fluids are released into the subsurface environment through an injection well.

Sec. 21. 1. *The owner of an existing motor vehicle waste disposal well determined to be located in an other sensitive ground water area may request an exemption from the provisions of sections 18 to 22, inclusive, of this regulation. The director may grant an exemption if the applicant demonstrates that the motor vehicle waste disposal well is not located in an other sensitive ground water area based on the injection activities of the well, in correlation with the geological and hydrogeological conditions of the site of the well.*

2. In determining whether to grant an exemption, the director shall consider, without limitation:

(a) The specific characteristics of the site of the well, including, without limitation, the:

(1) Depth to the level of ground water;

(2) Characteristics of the vadose zone;

(3) Proximity of the well to drinking water wells; and

(4) Existing water quality for the site;

(b) Whether the proposed injection fluids will degrade the waters of this state, based on site-specific information provided by the owner of the well, the expected chemical composition of the injectate and the expected volume and frequency of injection; and

(c) Such other information as the director determines necessary.

Sec. 22. 1. *Except as otherwise provided in this section, if a motor vehicle disposal waste well initially determined not to be located in a ground water protection area is subsequently determined to be located within a ground water protection area pursuant to an updated local source water assessment, the owner of the well shall, not later than 1 year after the issuance of public notice of the change:*

(a) Close the well;

(b) Obtain, pursuant to section 20 of this regulation, a permit to operate the well; or

(c) Convert the well and obtain a permit to operate the converted well.

2. Upon the request of the owner of the well, the director may approve an extension of the deadline for the closure or permitting of the well if he determines that the most efficient option for compliance with applicable state and federal requirements concerning such wells is connection to a sanitary sewer or installation of new treatment technology.

Sec. 23. *With the consent of the holder of a permit issued pursuant to NAC 445A.810 to 445A.925, inclusive, and sections 2 to 25, inclusive, of this regulation, and without public notice, the director may make minor modifications to the permit to:*

- 1. Correct typographical errors.*
- 2. Increase or decrease the frequency of monitoring, reporting or sampling. The director may modify the permit to decrease the frequency of monitoring, reporting or sampling only if he has determined that the injection process has not changed and the historic data demonstrates such consistency that continued monitoring will not provide additional, relevant information.*
- 3. Change an interim compliance date in a schedule of compliance if the new date is not more than 120 days after the date specified in the permit and does not interfere with attainment of the final compliance date requirements.*
- 4. Allow for a change in ownership or operational control of a facility if:*
 - (a) The director determines that no other change in the permit is necessary;*
 - (b) The holder of the permit and the person to whom ownership or operational control will be transferred have entered into a written agreement containing a specific date for the transfer of the responsibility, coverage and liability required for the facility under the permit; and*
 - (c) A copy of the written agreement has been provided to the director.*
- 5. Change the quantity or type of fluids injected that are within the capability of the facility as permitted if, in the judgment of the director, the change in quantity or type of fluid will not interfere with the operation of the facility or its ability to meet the conditions prescribed by the permit for the operation of the facility and will not change the classification of the facility.*
- 6. Change requirements relating to construction if the change in requirements complies with the requirements of this section and NAC 445A.905 to 445A.925, inclusive.*
- 7. Amend a plan that has been updated pursuant to subsection 2 of NAC 445A.923 for plugging and abandoning an injection well.*

Sec. 24. 1. *A person may request coverage for a Class V well under a general permit by submitting a notice of intent to operate the well as an activity for which a general permit has been issued. A notice of intent must be submitted on a form provided by the director and include the required fee as set forth in NAC 445A.872 and sufficient information to allow the director to make a determination of eligibility, including:*

- (a) The name and address of the applicant;*
- (b) The exact location of the Class V well to be covered under the general permit;*
- (c) The nature and quality of the injection fluids to be injected by the Class V well;*
- (d) The volume and frequency of the proposed injections; and*
- (e) Such other information as the director determines necessary to evaluate the application and the impact that approval of the application will have on the environment.*

2. If the director approves the application, the director shall send to the applicant a letter of authorization that acknowledges coverage of the Class V well under the general permit. A letter of authorization may include such additional requirements as the director determines appropriate for the operation of the Class V well based on the specific characteristics of the site of the well to be covered by the general permit.

Sec. 25. *If a maximum contaminant level has not been established for a contaminant, a concentration level for the contaminant may be established by using:*

- 1. The naturally occurring background concentration of the contaminant; or*
- 2. An appropriate level of concentration based on the protection of public health and safety and the environment. The appropriate level of concentration of a contaminant must be determined by the division using the Integrated Risk Information System adopted by reference pursuant to NAC 445A.2272, or an equivalent method approved by the division.*

Sec. 26. NAC 445A.810 is hereby amended to read as follows:

445A.810 As used in NAC 445A.810 to 445A.925, inclusive, *and sections 2 to 25, inclusive, of this regulation*, unless the context otherwise requires, the words and terms defined in NAC 445A.811 to 445A.840, inclusive, *and sections 2 to 16, inclusive, of this regulation* have the meanings ascribed to them in those sections.

Sec. 27. NAC 445A.811 is hereby amended to read as follows:

445A.811 “Application” means the form provided by the division ~~of environmental protection of the department which~~ *that* is used to apply for a permit for underground injection, including any modifications of or additions to the form.

Sec. 28. NAC 445A.826 is hereby amended to read as follows:

445A.826 “Hazardous waste” means a waste ~~identified by the Environmental Protection Agency in 40 C.F.R. § 261.3~~ *defined as such under the Resource Conservation and Recovery Act, 42 U.S.C. §§ 6901 et seq., as those sections existed on June 1, 2001.*

Sec. 29. NAC 445A.827 is hereby amended to read as follows:

445A.827 “Injection well” means a well used for the ~~injection~~ *subsurface emplacement* of fluids, except ~~a fluid~~ *fluids* associated with active drilling.

Sec. 30. NAC 445A.838 is hereby amended to read as follows:

445A.838 “Well” means ~~a~~ :

- 1. A bored, drilled or driven shaft ~~to or a~~ with a depth greater than the largest surface dimension;*
- 2. A hole which is dug, with a depth greater than the largest surface dimension ~~to~~ ;*
- 3. An improved sinkhole; or*
- 4. A subsurface fluid distribution system, not including subsurface fluid distribution systems associated with septic systems that have a capacity of 5,000 gallons or less per day or with mining processes.*

Sec. 31. NAC 445A.845 is hereby amended to read as follows:

445A.845 A Class I well is an injection well for the disposal of industrial, municipal and ~~radiological or high-level~~ radioactive waste, whereby fluids are injected below the lowest formation containing, within one-quarter mile of the well bore, water with a concentration of total dissolved solids of 10,000 milligrams or less per liter, and includes:

1. A well used for the injection of hazardous waste by a person who generates hazardous waste or an owner or operator of a facility for the management of hazardous waste; and
2. A well for the disposal of industrial waste and municipal sewage effluent.

Sec. 32. NAC 445A.849 is hereby amended to read as follows:

445A.849 A Class V well is any injection well not included in Classes I, II, III and IV, and includes:

1. Wells used to inject the water for heating or cooling by a heat pump;
2. Cesspools or other devices receiving wastes which have an open bottom and sometimes have perforated sides;
3. Wells used to inject water previously used for cooling;
4. Wells used to drain surface fluid, primarily the runoff from storms, into a subsurface formation;
5. Wells used for the injection of fluids accumulated from dewatering operations;
6. ~~Dry~~ **Drywells and** wells used for the injection of **nonhazardous** wastes into a subsurface formation;
7. Wells used to replenish the water in an aquifer;
8. Wells used to inject water into an aquifer of fresh water to prevent the intrusion of water of a lower quality into the fresh water;
9. Wells used to inject a mixture of water and sand, mill tailings or other solids into subsurface mines;
10. Wells used to inject ~~the waste or effluent from a septic tank or cesspool;~~ **sanitary waste for facilities other than single-family residences or facilities having a volume capacity of less than 5,000 gallons per day;**
11. Wells used to inject fluids into a zone, other than an oil or gas producing zone, to reduce or eliminate subsidence associated with the overdraft of fresh water;
12. Wells used for the storage of hydrocarbons in a gaseous state at standard temperature and pressure;
13. Geothermal **injection** wells used in **contact and noncontact** heating ~~and aquaculture, and in~~ the production of energy ; ~~and aquaculture;~~
14. Wells used for solution mining of ores or minerals in conventional mines, such as stopes leaching;
15. Wells used to inject spent brine into the same formation from which it was withdrawn after extraction of halogens or their salts; ~~and~~
16. Injection wells used in experimental technologies ~~and~~ ;
17. **Injection wells that are approved under a federal or state cleanup program and used to reinject pumped and treated contaminated ground water, other than hazardous waste, back into the same formation;**
18. **Injection wells used to inject fluids for the chemical or microbiological treatment of contaminated ground water or soil; and**
19. **Motor vehicle waste disposal wells.**

Sec. 33. NAC 445A.850 is hereby amended to read as follows:

445A.850 No person may inject a fluid which degrades the physical, chemical or biological quality of the aquifer into which the fluid is injected, unless the:

1. Director, pursuant to NAC 445A.851, exempts the aquifer from this requirement; and
2. Administrator of the Environmental Protection Agency does not disapprove the exemption . ~~within 45~~

~~days after the director notifies him of the exemption.]~~

Sec. 34. NAC 445A.856 is hereby amended to read as follows:

445A.856 1. *Except as otherwise provided in this section*, Class I and Class IV injection wells are prohibited, and ~~[no permit may be issued]~~ *the division shall not issue any permit* to construct or operate such ~~[wells.] a well.~~

2. Cesspools and ~~[an injection well for a septic system]~~ *other types of vertical injection wells or drywells used for the injection of sanitary waste, other than engineered leach fields approved by the division or local health authority*, are prohibited.

3. ~~[An injection well for municipal sewage or effluent from a waste treatment plant is prohibited, and no permit may be issued for such a well.]~~

~~4.]~~ The injection of any hazardous waste through a well is prohibited ~~[.]~~, *except under conditions where injection wells are used to inject contaminated ground water that has been treated and is being injected into the same formation from which it was drawn, if the subsurface emplacement of fluids is approved by the Environmental Protection Agency, or this state, as required pursuant to the provisions for the cleanup of releases under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), 42 U.S.C. §§ 9601 et seq., or pursuant to NAC 445A.226 to 445A.22755, inclusive.*

4. *Motor vehicle waste disposal wells that were not operational or under construction on or before April 5, 2000, are prohibited.*

Sec. 35. NAC 445A.867 is hereby amended to read as follows:

445A.867 ~~[An]~~ *Except as otherwise provided in sections 18 to 22, inclusive, of this regulation*, an applicant for a permit to inject fluids must satisfy the director that the underground injection will not endanger any source of drinking water. An application for a permit must be filed within 180 days after July 22, 1987, for the operation of an injection well which is existing on that date and does not have a permit. Each application for a permit must be signed by the owner or, if the owner does not operate the well, the operator of the well and must contain the following information:

1. The name of the facility.
2. The name and address of the owner.
3. The name and address of the operator, if different than the owner.
4. A description of the location of each injection well by the quarter-quarter section, section, township and range, and latitude and longitude.

5. A map of the location of the facility, preferably a topographic map prepared by the United States Geological Survey, extending at least 1 mile beyond the boundaries of the facility, locating each injection well for which a permit is sought and the area of review. The map must show, within the area of review, the number, location and type of all injection wells, producing wells, abandoned wells, surface bodies of water, surface and subsurface mines, quarries, public and private systems to supply water and other pertinent features on the surface.

6. A plan for corrective action, as required pursuant to NAC 445A.899, for each injection well within the area of review which penetrates the zone for injection, but is not correctly completed or plugged.

7. A narrative report, geologic cross section and isopach map in sufficient scale to detail the local geology and hydrology. The information should be sufficient to show the geologic formations, structural features and concentration of total dissolved solids for each formation, zone for injection and confining zone.

8. The plans and drawings for construction showing the details of the casing and cementing, including the size of the hole, type of casing and type and grade of cement.

9. The drilling log for each production or injection well owned or operated by the applicant which is located within the area of review.

10. The proposed operating data , including:

(a) The average and maximum daily rates of injection and the volume of the fluid injected;

(b) The average and maximum pressures of the injection; and

(c) The source of the fluid injected and an analysis of its physical, chemical and biological characteristics.

11. A chemical analysis, if available, of the fluid in the receiving formation to ensure compatibility with the injectate, and an analysis of the hydraulic conductivity of the receiving formation.

12. The proposed procedures for injection, including additives to or storage and pretreatment, if any, of the fluid injected, the use of the well, the planned standard practices for stimulation of the well and the planned schedule for workover.

13. A certificate that the applicant has ensured, through a performance bond or other appropriate means, the resources necessary to plug and abandon the well.

14. A plan for plugging and abandoning the well as described in NAC 445A.923.

15. Any other information required by the director to ensure that the proposed operation will not degrade an underground source of drinking water. That information may include a plan for monitoring the elevation or quality of ground water surrounding the zone for injection.

Sec. 36. NAC 445A.872 is hereby amended to read as follows:

445A.872 **1.** A nonrefundable fee must accompany each application for a permit for an injection well. The applicable fee is:

Type of Injection Well	<i>Application</i> Fee {for the Permit}	{Fee for Renewal}	Fee for Annual {Review and} Services , <i>Major Modifications or Renewal of Permit</i>
Class II, oil and gas	\$4,000 plus \$500 for each well	{ \$3,000 plus \$300 for each well }	\$2,000 plus \$150 for each well
Class V, geothermal injection wells associated with the production of energy			
Producing 25 megawatts or more	\$5,000 plus \$500 for each well	{ \$4,000 plus \$300 for each well }	\$3,000 plus \$150 for each well
Producing 10 megawatts or more but less than 25 megawatts	\$4,000 plus \$500 for each well	{ \$2,500 plus \$300 for each well }	\$1,500 plus \$150 for each well
Producing less than 10 megawatts	\$3,000 plus \$500 for each well	{ \$1,500 plus \$300 for each well }	\$1,000 plus \$150 for each well
Class V, geothermal injection associated with space heating			
Discharging less than 250,000 gallons daily	\$700	{ \$500 }	\$250
Discharging 250,000 gallons or more daily	\$1,500	{ \$750 }	\$500
Class V, injection wells associated with remediation, treatment of waste or experimental technology	\$2,000 plus \$500 for each well	{ \$1,000 plus \$300 for each well }	\$1,000 plus \$150 for each well

Class V, injection wells associated with mining pit dewatering	\$4,000 plus \$500 for each well	[\$3,000 plus \$300 for each well]	\$2,000 plus \$150 for each well
Class V, all others	\$500 plus \$100 for each well	[\$250 plus \$50 for each well]	\$150 plus \$25 for each well
General Permit	No fee	[No fee]	

2. A Class III well will be charged a fee for a permit for the actual cost of the review of the application calculated at a rate of \$50 per hour for the time spent for the review. The fee for renewal of a permit for a Class III well is \$750.

3. *A fee for the renewal of a permit or for major modifications, if applicable, must be paid in addition to the fee for annual services.*

4. *Except as otherwise provided in NAC 445A.885, the fee for annual services must be:*

(a) *Submitted to the division on or before July 1; and*

(b) *Paid in advance for each subsequent year during the life of the permit.*

Sec. 37. NAC 445A.885 is hereby amended to read as follows:

445A.885 **1.** In addition to the grounds specified in NRS 445A.600, the director may modify, revoke, ~~for~~ suspend **or cancel** a permit during its term or deny the renewal of a permit upon a determination by the director that the permitted activity endangers human health or the environment and can only be regulated to acceptable levels by modification, revocation, suspension or denial of the permit.

2. *If the activity for an injection well requiring a permit ceases, the holder of the permit may request that the director cancel the permit, if the holder is in compliance with all the conditions set forth in the permit and the conditions set for the closure of the site in question, including well plugging and abandonment. The holder of the permit may request permission to keep the injection well open to monitor the well or for any other purpose. The holder of a permit who submits a request to keep an injection well open must provide with the request legal and financial assurance pursuant to NAC 445A.871 that the well will ultimately be plugged and abandoned in accordance with all applicable state and federal laws and regulations.*

3. *The holder of a permit for an injection well may request that the director suspend the permit for the well if injection has currently ceased at the well but may be required for projects in the future, including, without limitation, remediation projects. During the period of the voluntary suspension of the permit, the holder of the permit is not required to pay the fee for annual services for the permit. The holder of a voluntarily suspended permit may request that the director activate the permit without reapplying for a new permit if the request is made before the date on which the permit otherwise would have expired if it had not been*

voluntarily suspended. If the holder of a permit voluntarily suspended pursuant to this subsection does not request reactivation of the permit before the expiration of the permit, the holder of the permit must apply for a new permit before he may again use the well as an injection well.

Sec. 38. NAC 445A.890 is hereby amended to read as follows:

445A.890 1. The director may temporarily permit a specific underground injection of fluids if:

(a) An imminent and substantial danger to the *public* health ~~{of natural persons}~~ *or the environment* will result unless the temporary permit is granted; or

(b) A substantial delay in the operation of an oil, gas or geothermal production facility which has a permit for an injection well will occur unless a temporary permit is granted, the timely application for a permit could not practicably have been made and the injection will not result in the movement of fluids out of the zone for injection previously permitted.

2. The director may issue a temporary permit for a well used to inject contaminated ground water that has been treated and is being reinjected into the same formation from which it was drawn as part of a ~~{clean-up}~~ *cleanup* plan approved by the director or the Environmental Protection Agency in cases where federal approval is required.

3. *The director may issue a temporary permit for a pilot project or a test of limited duration if the director determines that the pilot project or test is necessary to determine the feasibility of a project or that the limited duration of the pilot project or test does not justify the use of time and financial resources to obtain a permit to inject fluids. The director may not issue such a temporary permit if he determines that the pilot project or test raises imminent environmental concerns.*

4. *At the time of application for a temporary permit pursuant to this section, the director may request and the applicant shall provide such reasonable data and other information as the director determines to be necessary to evaluate the application. Within 60 days after the date on which he receives such an application, the director shall:*

(a) Approve the application and issue the temporary permit; or

(b) Disapprove the application and inform the applicant of the reasons for the disapproval.

5. Any temporary permit issued pursuant to this section is valid only as long as necessary to prevent the hazard, and in no case longer than 90 days. If an application for *a* permit has been filed with the director before the date of expiration of the temporary permit, the period the temporary permit is valid may be extended to the date the application is approved or disapproved.

~~{4-}~~ 6. The director shall condition the temporary permit in any manner necessary to ensure that the injection will not degrade any underground source of drinking water.

~~{5-}~~ 7. Within 10 days after the issuance of a temporary permit, the director shall give public notice pursuant to NAC 445A.875, and provide the opportunity for a public hearing.

Sec. 39. NAC 445A.891 is hereby amended to read as follows:

445A.891 The director may issue a general permit ~~[with no fee]~~ for the following types of Class V wells:

1. Geothermal wells using a closed loop that return fluid to the geothermal aquifer used for domestic heating and inject no more fluid than an annual average of 1,800 gallons per day.
2. A well with a closed loop used to inject the water used for heating or cooling by a heat pump.
3. Drainage wells for swimming pools having a capacity of 100,000 gallons or less.
4. ~~[Drainage]~~ **Storm water drainage** wells **used** to drain the runoff from a storm.
5. Wells used to inject a mixture of water and sand, mill tailings or other solids into subsurface mines.

6. Wells used to inject remediation enhancement products at remediation sites.

7. Wells used to inject fluid that has passed through various interceptors designed to collect oil, grease and sediment. The holder of a permit issued pursuant to this section for such a well shall:

(a) Conduct periodic injectate sampling to ensure that contaminants, including, without limitation, gasoline, solvents and metals, do not enter the system; and

(b) Submit and carry out a best management practices plan.

8. Other shallow injection wells from a commercial or institutional operation that have a consistent, noncontaminated waste stream, including, without limitation, injection wells for industrial process waste and drainage, laundromats, food processing and car washes.

Sec. 40. NAC 445A.894 is hereby amended to read as follows:

445A.894 The director may require any person authorized to inject by a general permit to apply for and obtain an individual permit. If an individual permit is issued to a person holding a general permit, the general permit is automatically terminated on the effective date of the individual permit. ***If the holder of a general permit is required to obtain an individual permit, the holder must obtain that individual permit in accordance with the procedures set forth in NAC 445A.269. An interested person or a holder of a general permit may apply for a petition for exclusion from the general permit pursuant to NAC 445A.270.***

Sec. 41. NAC 445A.923 is hereby amended to read as follows:

445A.923 1. If the plan for plugging and abandoning an injection well is determined by the director to be adequate, it will be incorporated as a condition to the permit.

2. The plan for plugging and abandoning an injection well must contain an estimate, based on the current and prevailing economy, of the cost of plugging each well for which the application for the permit is made. The applicant shall certify in the plan that the estimate of the cost will be reviewed annually during the life of the permit, and that the bond required pursuant to NAC 445A.871 will be increased when the review indicates that the cost of plugging is more than 10 percent greater than the original or most recent estimate of the cost.

3. The holder of ~~{the}~~ a permit , *or any person planning to abandon or close any injection well, including, without limitation, shallow Class V wells such as motor vehicle waste disposal wells,* shall notify the director of the ~~{abandonment of an}~~ *intent of the holder or person to abandon or close the* injection well at least 30 days, or in the case of a newly drilled injection well at least 5 working days, before the abandonment *or closure* of the well.

4. Before abandonment, an injection well must be plugged with cement in a manner which will not allow the movement of fluids into or between underground sources of drinking water.

5. All cavities in the well bore not plugged with cement must be filled with heavy drilling fluids in a state of static equilibrium with the weight of the fluid equalized from top to bottom.

6. Upon completion of the procedure for the plugging and abandonment of an injection well, the holder of a permit shall certify to the director that the condition of the permit relating to plugging and abandonment has been satisfied.

####